

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN A. TOLLIVER, *et al.*,

Plaintiffs,

vs.

Civil Action 2:08-cv-00722

Judge Edmund A. Sargus, Jr.

Magistrate Judge E. A. Preston Deavers

**TERRY COLLINS, Director
O.D.R.C., *et al.*,**

Defendants.

ORDER

This matter is before the Court for consideration of the April 29, 2010 Report and Recommendation of the Magistrate Judge (Doc. 91). Plaintiff Tolliver, an Ohio inmate proceeding without the assistance of counsel, sought an emergency injunction, requesting an order directing unnamed defendants to provide him with certain medications and medical treatment. The Magistrate Judge, upon reviewing Plaintiff's Emergency Injunction Request (Doc. 82), recommended denial of the request because the claims were new claims involving new defendants and additionally because Plaintiff failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a).

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation, Doc. 91 at 4).

The time period for filing objections to the Report and Recommendation expired. Plaintiff has not objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Plaintiff's Emergency Injunction Request (Doc. 82) is **DENIED**.

IT IS SO ORDERED.

6-29-2010
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE